

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Part 97 of the Commission's)	RM-10867
Rules Governing the Amateur Radio Service to)	
Implement Changes to Article 25 of the)	
International Radio Regulation Adopted at the)	

Via the ECFS

Comments of The Society for the Preservation of Amateur Radio (SPAR)

To the Commission:

1. The Society for the Preservation of Amateur Radio is a non-partisan group of concerned amateur radio operators working together to ensure the vitality of the Amateur Radio Service as defined in 47 CFR Part 97, especially the purposes embodied in 97.1:

- *(a) Recognition and enhancement of the value of the amateur service to the public as a voluntary noncommercial communication service, particularly with respect to providing emergency communications.*
- *(b) Continuation and extension of the amateur's proven ability to contribute to the advancement of the radio art.*

- *(c) Encouragement and improvement of the amateur service through rules which provide for advancing skills in both the communications and technical phases of the art.*
- *(d) Expansion of the existing reservoir within the amateur radio service of trained operators, technicians, and electronics experts.*
- *(e) Continuation and extension of the amateur's unique ability to enhance international goodwill.*

2. It is our belief that the technical nature of the Amateur Radio Service is clearly acknowledged by the FCC, particularly in Part 97.1, items b, c and d, which comprise 3 of the 5 reasons for the establishment of the Service. We therefore acknowledge the proud history of technical and non-technical contributions that amateur radio operators have made to radio communications technology and strive to ensure that the Amateur Radio Service preserves traditional operating modes and remains able to continue to meet the technical challenges that will be required in the future.

3. We believe that failure to require adequate entry-level skills will lead to chaos on the amateur bands, which are an internationally shared resource, and that inadequate enforcement of the regulations governing amateur radio will render the service useless and drive away those persons who could most contribute to the “advancement of the radio art”.

4. We believe that it is important for the survival of the Amateur Radio Service that continuous advancement in “skills in both the communications and technical phase of the [radio] art” be encouraged.

5. We believe that the Amateur Radio Service should be open to all interested persons. Due to the inherent technical nature of amateur radio communication, it is important to ensure that amateur radio operators possess minimum skills and that the regulations concerning the Amateur Radio Service must encourage the further development of “trained operators, technicians, and electronics experts.”

6. We further believe that, due to the inherent nature of amateur radio, technical skills contribute directly to the "value of the amateur service to the public" and the "amateur's unique ability to enhance international goodwill."

Comments on RM-10867

7. In support of our stated goals, we enter our comments on the petition filed by the American Radio Relay League (ARRL) assigned RM-10867.

Our specific objections to the petition are:

- A. Automatic upgrade of Technician Class Licensees to General Class.
- B. The ARRL submitted the petition without member input.
- C. Removal of Telegraphy Testing for General Class with caveats
- D. Enforcement issues with the ARRL Proposal

A. Upgrading of all Technician Licensees to General class.

8. The basis and purpose for the Amateur Radio Service is clearly stated in 47 CFR Part 97.1, as well as in the definition of the amateur service in Part 97.3. Both of these clearly show that the Amateur Radio Service, as defined by the Commission, is for the purpose of investigations and advancement in personal abilities and contributing to radio and electronics technology. In addition, in the recent NPRM WT Docket 01-140, the Commission reaffirmed that these purposes have not changed and are still the basis for rule making. We applaud the Commission for clarifying that important point and specifically mentioning that public service communications are “purely voluntary”. We also note that the Commission specifically did not use the word “voluntary” when referring to the technical nature of the Amateur Radio Service and the need to have rules that encourage experimentation and advancement of radio technology and personal skills.

9. Since the ARRL proposal seeks to automatically upgrade some 323,000 Technician class licensees, nearly ½ of all licensed operators, to General class without additional testing, it is difficult to see how this constitutes any encouragement in technical skills or advancement of radio and communications technology. Acceptance of the ARRL proposal would seem to violate the basic purpose of the Amateur Radio Service as specified in the Commission’s own rules.

10. The ARRL has also widely publicized its partnership with the Department of Homeland Security and the availability of trained amateurs to serve in case of local and

national emergencies. It seems contradictory that the ARRL now proposes that the FCC create a license structure that does not attempt to certify minimum skills from those very amateurs that would be needed in times of a communications emergency. As noted in Part 97.1 d), “trained operators, technicians and electronics experts” will be required and it is well known that the possession of fundamental, minimum skills are needed before such training and advancement to expert status can be accomplished. The ARRL proposal, with reduced testing and automatic upgrades, appears to ignore the very skill levels that will be required of amateur operators in the future. Such reduction in demonstrated skill levels is sure to reduce the ability of amateurs to respond in times of emergencies, and therefore, the ARRL proposal is neither in the best interest of the American public, nor consistent with the stated purpose for the Amateur Radio Service.

11. Furthermore, in WT Docket 04-140 the Commission notes that “We believe that a Novice or Technician Plus Class licensee can easily upgrade to the General or Amateur Extra Class thereby obtaining access to significantly more spectrum and greatly increasing the chance of establishing contacts with other amateur radio stations.” While the above statement was not strictly applied to codeless Technician licensees, the major difference in testing between Technician and Technician Plus licenses is the 5 WPM Morse examination (Element 1). We observe that many thousands of amateur operators have passed the Element 1 test, even though some may have considered it to be a major hurdle to upgrade their license. We agree with the Commission’s statement that those Amateurs holding a Technician class license can easily upgrade to General or Amateur Extra class if they so desire. That seems to imply that an automatic upgrade without the

General written exam is not in the best interest of the Amateur Radio Service.

12. The ARRL in paragraph 23 of their proposal states that amateurs “require so little of the Commission’s resources and contribute so much,” however, their proposal would seem to increase the resource requirements of the Commission and reduce the long term level of amateur contribution through a decline in standards. The ARRL further states that amateurs “self-regulate; ... self-train; ... largely self-administer; ... assist the public in times of emergency; and ... contribute heartily to the development of new and updated telecommunications systems.” However, without proper examination requirements and certified knowledge of both regulatory and technical matters, it seems guaranteed that the Amateur Radio Service will ultimately require more of the Commission’s resources and contribute less to the benefit of the American public. If the Amateur Radio Service is to continue in the tradition of self-regulation, self-training, self-administering, public assistance and technical advancement, the Commission should reject the lowering of standards. To do otherwise would increase the regulatory costs.

13. The ARRL states in paragraph 10 of their proposal that “the entry level Technician Class license examination is (of necessity) overly comprehensive in its subject matter, and is therefore a deterrent to newcomers ...” On the other hands, statistics from Volunteer Examiners show that 85% of the applicants do indeed pass the Technician exam. Meanwhile the Commission’s own database shows that the number of entry level amateurs has increased dramatically since the introduction of the Technician license without a Morse code requirement and that the number of total amateur operators has

remained essentially stable for quite some time. In fact, paragraph 25 of the same ARRL proposal states “the Commission expressed satisfaction with the Technician Class license as the only entry level license class. Indeed, it has proven over time, relative to the Novice class license, a popular entry-level license.” These observations and data appear to contradict the ARRL’s statement of paragraph 10. Considering the number of entry level licenses issued, the 85% passing rate, and the ARRL’s own admission, it appears that the current entry level examination is neither too comprehensive nor a deterrent to newcomers.

14. Since the Commission and the ARRL both consider the Technician class license as an adequate entry-level license, it would not appear to be in the best interest of the Amateur Radio Service to automatically promote those operators who have only demonstrated an entry level knowledge directly to General class, with more comprehensive operating privileges.

15. Although not expressly stated in RM-10867, the ARRL has attempted to justify the reduction in requirements and issuance of automatic upgrades as a means to increase participation in the Amateur Radio Service. One could argue whether increased participation by less qualified individuals is desirable based on the purpose for the Service, the benefit to the American public, and other concerns. However, a more fundamental question regards whether the proposal will indeed attract a significant number of amateur operators for the long term. It is interesting to note that the number of licensed amateur operators in the US has remained essentially constant for quite some

time, in spite of requirements and examinations that the ARRL claims are deterrents.

16. In the meantime, Japan has already experimented with simplified licensing requirements in their amateur service and the results are available to be considered in any decision made by the Commission. Official Japanese statistics show that following the reduction in licensing requirements, a rapid growth in the amateur ranks occurred, peaked in 1995, and has fallen rapidly ever since. Since 1995 the number of Japanese amateurs has dropped by almost 50% and data shows that they are continuing to lose amateurs at a rate of about 6,000 per month!

17. In view of the results of the Japanese licensing experiment and consideration of basic human nature, it seems ludicrous to suggest that lowering the requirements would cause any long term increase in amateur participation. The Japanese experience seems to show that those who enter a technical service, such as amateur radio, without any effort, usually drop out. On the other hand, those who are interested will not be deterred by reasonable entry requirements. One could certainly ask if those individuals who will not remain committed to the purposes of the Amateur Radio Service would indeed serve the best interests of the American public.

18. Thus, the automatic upgrading of Technician licensees does not seem to enhance the Amateur Radio Service in any way.

B. The ARRL submitted the petition without member input

19. As filed, RM-10807 was written by the ARRL Board and ratified by the Directors without any formal member input. The ARRL presents the petition before the Commission as representing the wishes of its members, when in fact it is only the opinion of the limited number of Amateurs who authored the document.

20. Since the League cannot demonstrate membership approval, SPAR asks that the document be **DISMISSED** as not representative of the views of its membership.

C. Removal of Telegraphy Testing for General Class with caveats

21. While many of the members of SPAR differ in opinion on the removal of Telegraphy testing for General Class licensees, we certainly agree that there must be an entry level license class which has some limited access to frequencies below 30 MHz (HF) without telegraphy testing. We also agree that once this access is granted, the need to remove telegraphy testing from the General class license is less of an issue.

22. In its Report and Order 98-143, the Commission stated that it would not automatically sunset code testing based on the WRC decision. Presently only 16 WRC members have removed telegraphy testing. This represents less than 9% of total members. The final WRC decision leaves the decision to remove telegraphy testing up to the individual

member country to decide. As it appears now, most countries intend to keep telegraphy testing for at least the near term.

23. Although many members agree that telegraphy is on the decline in other areas of communication, it remains the second most popular mode for Amateur operators. This popularity is due in part to the requirement to know telegraphy to advance within the Amateur ranks. Some of our members recount that they “hated” telegraphy until they were required to learn it; now many use it as their primary mode.

24. Even if the Commission were to disagree with the popularity argument, there are economic issues involved from removing the active new operator pool for companies that manufacture telegraphy related equipment. There are issues involving handicapped Amateurs that rely on telegraphy due to their handicap. Removal of testing may reduce the pool of mainstream Amateurs with which they can communicate.

25. In light of these issues, the members of SPAR believe that granting HF privileges to an entry license class negates the need to remove telegraphy as a testing for higher license classes. In light of this belief and the luke-warm global reception to the WRC decision, we suggest the Commission postpone the consideration of removing telegraphy testing for General and Extra classes for at least 5 years. The Commission will have had the ability to evaluate whether the entry license class with no code HF access was successful or whether we have traveled another mile down the wrong road in attracting new Amateurs.

26. In so ruling, the Commission will be enacting a true compromise that gets new Amateurs on the air to experience worldwide communications with no telegraphy testing, and preserving the traditions of the service by retaining telegraphy testing for existing Amateurs. This decision comports well with the SPAR mission to usher in the new, while protecting the overall flavor of the service.

D. Enforcement Issues with the ARRL Proposal

27. As proposed by the ARRL, new Novice licensees would have code free access to HF in their own band segment. Technicians would be promoted to General Class and share the General Class band segment.

28. The members of SPAR feel that removing telegraphy testing for access to HF by new applicants and present “no code” Technicians is a very drastic step and has the potential to change the service in negative ways. In light of our position against promoting Technicians to General Class, we agree with the Commission (as ruled in 98-143) that the Technician Class is an adequate entry class, and that new applicants be granted this class of license. Additionally, since telegraphy testing removal for HF access is a drastic step, all no code licensees must be restricted to the same band segment (the location of which to be decided by the Commission).

29. This decision will make evaluation and enforcement efforts concerning the entry class license more manageable. If bad things are going to happen we will all see them together. Likewise, we may all see the success of the proposed plan clearly and without interpretation. The members of SPAR enthusiastically support FCC enforcement activities and fondly hope that the Commission will understand our concerns and rule to combine all no code HF licensees into the same band segment.

Conclusions

RM-10867 seeks to form an Amateur Radio Service of the future by hamstringing it with bad decisions. Upgrading of over 300,000 Technicians to General Class serves only to make a bad situation worse in the many ways we have illustrated in these comments. RM-10867 does not comport well with the purpose of Amateur Radio and provides for an enforcement nightmare.

Dilution of codeless Technicians with General Operators will make evaluation of the change of privileges an exercise in comparative speculation. Acting to combine new applicants into the Technician Class at the entry level with codeless HF access in the same band segment makes more common sense.

Once this is done, and there is a measurable no code HF band segment, the need for immediate action to sunset telegraphy testing is unnecessary. A Commission decision to allow codeless HF access for an entry level (Technician) and at the same time preserving

the telegraphy testing tradition for General and Extra license classes is the best balance of change and compromise.

As an organization, SPAR urges that RM-10867 be **dismissed or denied** for the reasons we have enumerated in these comments.

Electronically signed this day, the 23rd of April, 2004 on behalf of the members of:

Society for the Preservation of Amateur Radio (SPAR)

AG4YO

Charles L Young, Jr
13805 Timbercreek Dr
Cantonment FL 32533

N5RLR

Michael D Bolton
PO BOX 360145
Dallas TX 75336

W5ALT

Walter B Fair, Jr
12230 Palmfree St
Houston TX 77034

KG2HG

RICHARD J HERZER
PO BOX 453
TOMKINS COVE NY 10986

N0PU

HARRY A M KHOLER
9125 ARVIN PL
ST LOUIS MO 63123

AE4FA

ROBERT G RIGHTSELL
PO BOX 1492
LEXINGTON SC 29071-1492

Website: <http://www.spar-hams.org/index.php>